

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHNNY JOHNSON, et al.,

Defendants.

No. 04-CR-30029-DRH

ORDER

HERNDON, District Judge:

Now before the court is defendant Johnny Johnson's sixth Motion to Continue Sentencing (Doc. 313). In light of defendant Johnson's agreement to provide testimony for the government at the trial of Quawntay Adams and the most recent continuance of this trial to March 3, 2008, defendant Johnson wishes to continue sentencing until at least thirty (30) days after the conclusion of the Quawntay Adams trial. Further, in his Motion, Johnson also states that he has "several partially blocked arteries that may require surgical intervention between now and December, 2007" (Doc. 313, p. 2).

The Court finds a continuance warranted to allow defendant Johnson time to tend to his medical needs, however, the Court no longer sees the benefit in continuing the sentencing date in conjunction with the many continuances of the trial for defendant Adams. Although defendant Johnson's would prefer to provide

testimony at defendant Adams's trial prior to being sentenced, such a chronology of events is not required. Many co-defendants who have plead and then chose to testify for the Government during the trial of the remaining codefendants are often sentenced first. In fact, this District receives far more Rule 35 petitions than it does Rule 5k1.1 Motions. Defendant Johnson will not be prejudiced if he is sentenced prior to testifying for the Government during the trial for defendant Adams. Therefore, the Court **GRANTS** Johnson's Motion to Continue (Doc. 313), but **DENIES** defendant Johnson's request to continue the hearing until after the completion of the trial for defendant Adams. Accordingly, the Court **CONTINUES** the sentencing hearing for defendant Johnny Johnson scheduled for October 26, 2007 at 9:30 a.m. to **Friday, January 18, 2008 at 1:30 p.m.**

IT IS SO ORDERED.

Signed this 5th day of September, 2007.

/s/ David R Herndon
United States District Judge